FOR MYSORE STATE

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Department of Land Revenue

OFFICE Board of Revenue.

STATION Madras.

OP Rmt No. 5477

Dated 24-10-1935

A45 8/35

Pages in the file

(SUBJECT.)

Village Officers (Beldars) - Deputation to Talak - Amara de
Village - Headman's office - Registration of minor -
Inquiry proceedings - Revision - Instruction

1

Revenue DEPARTMENT.

A4528

From.

T. Bhaskara Rao Esq., I.C.S.,

Collector

Bellary.

To

The Secretary to the Commissioners,

Land Revenue & Settlement,

Madras.

R.O.C. 5186/35. dated 10th October 1935.

Sir,

VILLAGE OFFICERS- Kudligi Taluk- Amaradevaraguddam village- "R"- Missal headman- registry- illegal orders- requested.

One Ramanagowd permanent headman of Amaradevara guddam village, Kudligi Taluk died issueless on 12-5-33. One day previous to his death he executed a will authorizing his wife to adopt a son. Following this will his widow adopted on or about 2-6-33 One Vasanta Madhava Rao aged 6 years. This adoption was confirmed by a registered document executed by the widow on that date in favour of the minor. In his order R.Dis. 6361 of 1933, dated 26-5-1934 the Sub-Collector Hospet registered the adopted son as the missal headman of Amaradevaraguddam. According to the correction slip to B.S.O.148 (4) as introduced by B.P. 17 Press dated 9-3-33 heirship should be determined with reference to the state of things existing at the time of the occurrence of the vacancy Vasantha Madhava Rao's adoption was posthumus as indicated in B.P. 120 Press dated 28-9-22. The Sub-Collector's order of registry was therefore not valid.

2. Against the above order of the Sub-Collector one Lokanagowd a mirasdar who is a stranger applied to the Sub-Collector to set aside the orders of registry of Vasantha Madhava Rao. The Sub-Collector

dismissed this petition on the ground that he has no statutory power to review his own order. Against this order Lokana Gowd filed a revision petition to the Collector requesting him to set aside the order of the Sub-Collector under section 3 clause 3 of Regulation VII of 1828. The then Collector (Mr. Subrahmanyam) doubted whether a revision petition could ~~be~~ lie in matters governed by statute, declined to interfere and informed the petitioner to file a suit if so advised. Lokanagowd thereafter filed a suit before the Sub-Collector under section 13 of Act III of 1895, which was rejected on the ground that the right to sue for an office was restricted to the heirs of the last office holder and that the petitioner did not come under that class. - (B.S.O. 154 (7-) Against this order of the Sub-Collector Lokanagowd appealed to me under section 23 (1) of Act III of 1895. And I confirmed the decision of the Sub-Collector

3. In the result the order of the Sub-Collector registering Vasanta Madhava Rao as minor, which order is ~~offered~~ opposed to B.S.O. 148-4 has to be vacated in order to make a proper appointment. I request I may be informed if I have the power to set aside the order under Section 3 of Resolution VII of 1828

For Collector.

I.S. 12.10. A.